APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/017,329	02/02/1998	RYUICHI MATSUKURA	1083.1049/JD	8159

21171 7590 12/07/2006	EXAMINER	
STAAS & HALSEY LLP	WINDER, PATRICE L	
SUITE 700	ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.	2145	
WASHINGTON, DC 20005		

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/017,329	MATSUKURA, RYUICHI
	Examiner	Art Unit
	Patrice Winder	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 September 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-11,16-22 and 27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-11,16-22 and 27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11, 16-22 and 27 are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-11, 16-22 and 27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Blair et al., USPN 5,809,265 (hereafter referred to as Blair).

4.   Regarding claim 1, Blair taught a computer network system in which plural

connecting means capable of connecting and disconnecting a computer is provided in a

network circuit to which a first computer has been connected, and a second computer is

connected to said connecting means (plurality of virtual connections, abstract), wherein

said first computer comprises resource information managing means for

managing information relating to hardware or software, including place of installation in

the real world for each of the hardware or software, which are usable through the

hardware circuit (column 3, lines 49-59), and resource information processing means for

taking out the hardware or software information from said resource information

managing means in response to a request for information relating to usable hardware or

software from another computer, and transmitting to said network circuit (column 4,

lines 6-12, 28-38),

said second computer comprises resource setting means for setting the

hardware or software according to the hardware or software information transmitted by

said resource information processing means of said first computer (column 4, lines 6-

12, 46-59),

when second computer is connected to said network circuit through any one of

said plural connecting means, said resource setting means receives the hardware or

software information transmitted by said resource information processing means of said

first computer and directly set the hardware or software (column 4, line 67-column 5,

line 12).

5.   Regarding claim 2, Blair taught a computer network system in which plural

connecting means capable of connecting and disconnecting a computer is provided in a

network circuit to which a first computer has been connected, and a second computer is

connected to said connecting means (plurality of virtual connections, abstract), wherein

said first computer comprises resource information managing means for

managing information relating to hardware or software, including a place of installation

the real world for each of the hardware or software, which are usable through the

hardware circuit (column 3, lines 49-59), and resource information processing means for

taking out the hardware or software information from said resource information

managing means in response to a request for information relating to usable hardware or

software from another computer, and transmitting to said network circuit (column 4,

lines 28-38), and resource installation position managing means for managing the

position at which hardware or software managed by said resource information

managing means exist (column 5, lines 43-55),

said second computer comprises position noticing means for noticing the position

information indicating the position to said first computer when connected to one of said

connecting means, resource selecting means for selecting an arbitrary hardware or

software out of a plurality of the hardware or software (column 4, lines 46-59), and

resource setting means for setting the hardware or software according to the

hardware or software information selected by said resource selecting means (column 5,

lines 43-55),

when second computer is connected to said network circuit through any one of

said plural connecting means (column 3, lines 46-49),

said resource installation position managing means of said first computer reads

out the hardware or software information corresponding to the position information

noticed by said position noticing means from said resource information managing

means, and transmits to said second computer (column 6, line 66 – column 6, line 6),

said resource setting means of said second computer directly sets the hardware

or software selected by said resource selecting means in the hardware or software

information received from said first computer (column 5, lines 43-55).

6.   Regarding claim 3, claim 3 has similar limitations as claim 1 and additional

limitations of a resource information holding means for holding the resource information

relating to the resources that can be managed directly and comparing means for

comparing the content of the resource information holding means and the content of the

resource information managing means of the first computer, detecting a replaceable

resource. Therefore, the similar limitations are disclosed under Blair for

the same reasons set forth in the rejection of claim 1 (Supra 1). Blair, also taught

resource information holding means for holding the resource information relating to the

resources that can be managed directly and comparing means for comparing the

content of the resource information holding means and the content of the resource

information managing means of the first computer, detecting a replaceable resource

(column 5, lines 28-42).

7.   Regarding claim 4, Blair taught a computer network system in which plural

connecting means capable of connecting and disconnecting a computer is provided in a

network circuit to which a computer is connected to said connecting means (plurality of

virtual connections, abstract), wherein

        said computer comprises resource information managing means for managing

plural sets of information relating to hardware or software, including a place of

installation in the real world for each of the hardware or software, which are usable

through said network circuit corresponding to said connecting means (column 6, lines 8-

20),

        position selecting means for selecting one of the information relating to plural

sets of hardware or software managed by said resource information managing means

(column 5, lines 46-59), and

resource setting means for setting the hardware or software according to the

information relating to the hardware or software corresponding to the position selected

by said position selecting means (column 6, lines 43-59), and

when said computer is connected to said network through any one of said plural

connecting means, said resource setting means obtains the hardware or software

information corresponding to the position selected by said position selecting means

from said resource information managing means, and directly sets the hardware or

software (column 5, lines 1-12).

8.   Claim 3 has similar limitations as claim 1 and additional limitations of a

comparing means for comparing an updated time of the hardware or software

information of said resource managing means of the second computer and an updated

time of the hardware or software information of said resource managing means of said

first computer. Therefore, the similar limitations are disclosed under Blair for the same

reasons set forth in the rejection of claim 1 (Supra 1). Also, Blair taught comparing

means for comparing an updated time of the hardware or software information of said

resource managing means of the second computer and an updated time of the

hardware or software information of said resource managing means of said first

computer (column 6, lines 21-67; column 7, lines 1-12).

9.   Claim 6 has similar limitations as claim 1 and additional limitations of a resource

updating means for updating the content of the resource information managing means

when receiving an updated resource. Therefore, the similar limitations are disclosed

under Blair for the same reasons set forth in the rejection of claim 1 (Supra 1). Also,

Blair further taught a resource updating means for updating the content of the resource information managing means when receiving updated resource information (column 6, lines 21-67; column 7, lines 1-12).

10.		Claims 10-11 has similar limitations as claim 1 and additional limitations of a resource noticing means for noticing the content of the resource information managing means and updating resource information registering means by receiving the updated resource information from the computer. Therefore, the similar limitations are disclosed under Blair for the same reasons set forth in the rejection of claim 1 (Supra 1). Weiser-Theimer taught a resource noticing means for noticing the content of the resource information managing means and updating resource information registering means by receiving the updated resource information from the computer (column 6, lines 21-67; column 7, lines 1-12).

11.		Claims 7-9 and 16-22, 27 have similar limitations as claims 1. Therefore, they are rejected under Blair for the same reasons set forth in the rejection of claim 1 (Supra 1).

Response to Arguments

12.		Applicant's arguments filed September 22, 2006 have been fully considered but they are not persuasive.

13.		Applicant argues – "The Examiner construes these workstations as corresponding to the claimed second computer. Even assuming, arguendo, that this is the case, there is no disclosure of a first computer."

a.   Blair taught a plurality of workstations 101 or 105 as Applicant admits. The

software on each of the workstation is essentially the same. However, the utility

of the software executing on any of the workstations will determine its role. Thus,

whether any workstation 101 or 105 is a first computer or a second computer is

determined by tasks being performed by the respective workstation.

14.   Applicant argues – "However, there is no disclosure that the software

environment 108 is embodied in a computer other than the workstations 101 (i.e.

embodied in a first computer)."

b.   Blair taught a preferred embodiment with a workstation 105 (column 3,

lines 59-62). Thus, the software environment 108 is also embodied in a

workstation other than workstation 101.

15.   Applicant argues – "A consequence of the missing first computer is that the

workstations 101 of Blair do not include resource setting means for setting the hardware

or software according to the hardware or software information transmitted by said

resource information processing means of said first computer. Thus, Blair also does not

disclose the second computer, as claimed."

c.   As discussed earlier, Blair taught workstations 101 and 105, which

operate as a first computer and a second computer. The role of second computer

is provided when Blair's user switches workstations. After the user switches

workstations, a "virtual connection" is established with the newer workstation

using "hardware or software information transmitted" by a prior workstation, see
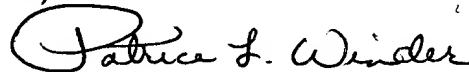
column 4, lines 6-12.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrice Winder whose telephone number is 571-272-

3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrice Winder
Primary Examiner
Art Unit 2145

December 1, 2006